IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5738 OF 2007

Shri.Bharat Apparao Kasture. ...Petitioner.

vs.

1.Shri.Suresh Ramchandra Patil
and others. ...Respondents.

Mr.Suresh S.Shah, for Petitioner.

Mr.A.H.Palekar, AGP for Respondent nos.2 to 4.

CORAM: D.K.DESHMUKH &

V.M.KANADE, JJ.

DATED: 20th NOVEMBER,2007.

P.C.:-

1. By this petition, the petitioner who is a Secretary of a Public Trust which runs an aided school challenges the order of the Education Officer directing recovery of certain amounts from non salary grant payable to the school. By

this petition, virtually the petitioner is seeking a money decree against the Education officer. In our opinion, the appropriate remedy of the petitioner would be to file a civil suit. Pendency of Public Interest Litigation in this Court, wherein we have been informed that one of the reliefs claimed is recovery of the amount from non salary grant, will not come in the way of the petitioner filing civil suit and prosecuting the same. The petition is disposed of.

(D.K.DESHMUKH, J.)

(V.M.KANADE,J.)